

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERIC JETSON LYONS,

Plaintiff,

v.

SUPERINTENDENT HARRY E.
WILSON, et al.,

Defendants.

Civil Action No. 07-214 Erie

ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on August 15, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation, verbally entered on the record on November 13, 2007 [18] [27], recommends that the Plaintiff's motion for a temporary restraining order and/or for a preliminary injunction [5] be denied as moot.¹ The parties were allowed ten (10) days from the date of service to file objections. Objections were filed by Petitioner on November 23, 2007 [19]. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 15th day of February, 2008;

IT IS HEREBY ORDERED that the Petitioner's Motion for a Temporary Restraining Order and Preliminary Injunction [5] be, and hereby is, DENIED as moot.

¹ Although docketed as a text order, it appears that the Chief Magistrate Judge's ruling should have been construed and docketed as a recommendation. We will therefore treat it as such.

The Report and Recommendation of Chief Magistrate Judge Baxter, verbally entered on the record on November 13, 2007, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

Sean J. McLaughlin
United States District Judge

cm: All parties of record.
Chief U.S. Magistrate Judge Susan Paradise Baxter